

**REMARKS**

Claims 1-10 are pending in the present application.

**Applicant's Response to Claim Rejections under 35 U.S.C. § 102**

Claims 6, 7, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by **Gyoten et al.** (U.S. Patent No. 6,638,655). Along with this paper, Applicant submits a verified English language translation of the priority document filed on August 10, 2000, which supports claims 6, 7, and 9. The priority document contains claims 1-5. Claims 6-10 were added in the PCT application. However, claims 6, 7, and 9 are supported by the description in the priority document.

Claim 6 differs from claim 1 of the priority document in that claim 6 recites “a water tank for reserving cooling water of the fuel cell.” This feature is disclosed in Figures 1-4 of the priority document, which show water tank 21. A discussion of this feature is found at paragraph [0008] of the English translation of the priority document. This feature is discussed at page 3, lines 4-5 of the present specification.

Claim 7 is supported by paragraph [0024] of the English language translation of the priority document, which discusses discharging washing liquid periodically. A discussion of this feature is found at page 9, lines 3-7 of the present specification.

Claim 9 is supported by paragraph [0025] of the English translation of the priority document, which discusses supplying the washing tank with water. A discussion of this feature is found at page 9, lines 22-23 of the present specification.

Furthermore, Applicants argue that **Gyoten** does not anticipate the claims. The Office Action argues that **Gyoten** discloses two tanks--“a bubbler tank” and “a further tank containing condensed water.” The Office Action further argues that the bubbler tank is a washing liquid tank and that the “further tank” is a water tank. See page 2, paragraph 3 of the Office Action. However, **Gyoten** does not disclose this. **Gyoten** only discloses a bubbler tank. This bubbler tank is arranged before the supply side of a fuel cell stack, and is supplied with condensed water by a steam condenser which is arranged after the discharge side of the fuel cell stack. See column 8, lines 12-23. There is no disclosure or suggestion of multiple tanks. On the other hand, Claim 6 recites a fuel cell apparatus comprising both a water tank 21 and a washing liquid tank 27. These positively recited tanks are not present in **Gyoten**.

The present invention relates to a fuel cell apparatus allowing a supply of reaction air free of traces of harmful substances. On the other hand, **Gyoten** discloses a fuel cell system which controls the concentration of contamination ions in the cooling water in the bubbler tank by coating the tank with Teflon in order to prevent ions from dissolving into the distilled water out of the walls of the tank (Example 3). **Gyoten** does not disclose cleaning the air to be supplied to a fuel cell.

In column 8, lines 21-23 of **Gyoten** the collected condensed water is supplied to the bubbler tank in order to prevent the tank from running out of water. Since in **Gyoten** water is supplied to the bubbler tank without draining water from the bubbler tank, harmful substances accumulate in the bubbler tank and the air is contaminated with these harmful substances. On the other hand, the present invention has a means for replacing the washing liquid reserved in the

Response under 37 C.F.R. §1.111

Attorney Docket No. **020181**

Serial No. **10/088,497**

washing liquid tank, therefore harmful substances contained in the washing liquid do not accumulate.

In regard to claim 7, the limitation of “every fixed time” is supported by the description at page 9, lines 3-7. A means to detect contamination, such as dirt detecting sensor or electric conductive sensor, is unnecessary for the means claimed in claim 7. Therefore, this limited means has patentable weight.

In regard to claim 9, in **Gyoten** collected condensed water is supplied to the bubbler tank. On the other hand, in the present invention, water in the water tank for reserving cooling water is supplied to a washing liquid tank. Therefore, the source of water to be supplied is different between the present invention and **Gyoten**.

For at least the foregoing reasons, Applicants respectfully argue that **Gyoten** does not anticipate claims 6, 7, and 9.

#### **Applicant's Response to the Claim Rejections under 35 U.S.C. § 103**

Claims 1, 2, 3, and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Gyoten** in view of **JP 6-296817 (JP '817)**. With regard to claims 1, 2, and 5, the rejections rely on **Gyoten** as the primary reference. The submission of the verified English language translation of the priority document is believed to obviate these rejections.

Response under 37 C.F.R. §1.111  
Attorney Docket No. **020181**  
Serial No. **10/088,497**

Claim 8 is not supported by the priority document. However, Applicant argues that the Office Action has not established *prima facie* obviousness with respect to claim 8. **JP '817** does not make up for the aforementioned deficiency of **Gyoten**. In particular, as mentioned above, **Gyoten** does not disclose or suggest two distinct tanks as recited in claim 6, upon which claim 8 is dependent. **JP '817** also does not disclose a second tank, and thus does not make up for the deficiency of **Gyoten**. Favorable reconsideration is respectfully requested.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Gyoten** in view of **JP '817** and in further view of **JP 2000-189739 (JP '739)**. The rejection relies on **Gyoten** as the primary reference. The submission of the verified English language translation of the priority document is believed to obviate this rejection. Claim 3 is supported by paragraph [0023] of the English language translation of the priority document.

#### **Further Matters**

Applicant wishes to call the Examiner's attention to an Information Disclosure Statement (IDS) filed along with this paper. The IDS lists the documents cited in the International Search Report, as well as another document. Acknowledgement of the IDS is requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicant's undersigned attorney.

Response under 37 C.F.R. §1.111

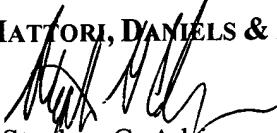
Attorney Docket No. **020181**

Serial No. **10/088,497**

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Stephen G. Adrian  
Attorney for Applicant  
Registration No. 32,878

Attachments: Verified English Language Translation of Japanese Patent Application No. 2000-242555  
(Japanese Laid-open Patent Publication No.2002-56877)  
Information Disclosure Statement

SGA/RBC/ak  
1250 Connecticut Avenue, NW  
Suite 700  
Washington, D.C. 20036  
(202) 822-1100